

Message Text

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16

ORIGIN L-03

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DRAFTED BY L/M:JHSMITH:MFM

APPROVED BY L/M:KEMALMBORG

EUR/NE - MR. SHUMATE

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FM SECSTATE WASHDC

TO AMCONSUL BELFAST

INFO AMEMBASSY DUBLIN

AMEMBASSY LONDON

UNCLAS STATE 126990

E.O. 11652: N/A

TAGS: AFIN, AINR

SUBJECT: ALLIANCE PARTY VISIT TO U.S.

REF: BELFAST 166

1. AS REQUESTED IN REFERENCE, DEPT HAS INQUIRED INTO LAWS AND REGULATIONS ON RAISING AND TRANSFER OF FUNDS BY THE ALLIANCE PARTY.

2. INFORMAL CONTACTS WITH THE DEPT OF TREASURY REVEAL THAT THERE APPEAR TO BE NO GENERAL RESTRICTIONS ON TRANSFER OF FUNDS OUT OF THE COUNTRY WHICH WOULD APPLY TO THE ALLIANCE PARTY. IT IS TREASURY'S ADVICE, HOWEVER, THAT ALL TRANS-ACTIONS BE HANDLED BY A FINANCIAL INSTITUTION IN THE UNITED STATES WHICH IS FAMILIAR WITH SUCH TRANSFERS AND THAT TRANS-FERS NOT BE IN CASH. THERE ARE SOME REPORTING REQUIREMENTS WHICH APPLY TO FINANCIAL INSTITUTIONS AND WHICH COULD COME INTO PLAY WHEN THE ALLIANCE PARTY TRANSFERS FUNDS OUT OF THE UNITED STATES.

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3. IT ALSO APPEARS THAT THE ALLIANCE PARTY WOULD BE REQUIRED TO REGISTER WITH THE SECRETARY OF STATE AS AN AGENT OF A FOREIGN GOVERNMENT UNDER THE PROVISIONS OF 18 USC 951, AND WITH THE DEPT OF JUSTICE AS A FOREIGN AGENT, UNDER THE

FOREIGN AGENTS REGISTRATIONS ACT (52 STAT. 631, 22 USC 611-621). SOME STATES HAVE SIMILAR LAWS.

4. CONGEN SHOULD PASS THIS ADVICE ON TO ALLIANCE PARTY WITH CLEAR MESSAGE THAT THIS IS INFORMAL AND NOT BINDING ON THE DEPT OR THE USG. THE ALLIANCE PARTY SHOULD UNDERSTAND THAT THEY ARE NOT RELIEVED OF ANY OBLIGATIONS IMPOSED BY U.S. LAW OF WHICH WE ARE NOT AWARE. FINALLY, IT SEEMS APPROPRIATE TO SUGGEST TO THE ALLIANCE PARTY THAT THEY RETAIN PRIVATE LEGAL COUNSEL IN THE UNITED STATES WHO COULD PROVIDE COMPETENT ADVICE. ROBINSON

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